

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,

Plaintiff/Counter-
Defendant,

v.

ILLUMINA, INC.,

Defendant/Counter-
Plaintiff.

C.A. No. 04-901-JJF

**AFFYMETRIX, INC.'S MOTION FOR SUMMARY ADJUDICATION
ON ILLUMINA, INC.'S THIRD AND SEVENTH
AFFIRMATIVE DEFENSES AND SECOND COUNTERCLAIM**

Pursuant to Rule 56(c) Affymetrix, Inc. hereby moves for summary adjudication on Illumina, Inc.'s Third and Seventh Affirmative Defenses and Second Counterclaim on the basis of assignor estoppel. The grounds for the motion are set forth more fully in the accompanying brief in support of Affymetrix's motion.

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July 7, 2006

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2006, I electronically filed the foregoing document using CM/ECF which will send notification of such filing(s) to the following:

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